

1 H. JAMES MAGNUSON
2 Attorney at Law
3 1250 Northwood Center Court
4 P.O. Box 2288
5 Coeur d'Alene, Idaho 83816
6 Telephone: (208) 666-1596
7 Fax: (208) 666-1700

COURTS
03 OCT 27 PM 1:45

5 Attorney for C. Barry Zimmerman,
6 Chapter 7 Trustee

7 UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF IDAHO

9 IN RE:

CASE NO. 02-20218

10 FRANK L. CHAPIN and
11 SYDNEY L. GUTIERREZ-CHAPIN,

**AFFIDAVIT OF H. JAMES
MAGNUSON**

12
13 Debtors.

14 STATE OF IDAHO)
15 :ss.
16 County of Kootenai)

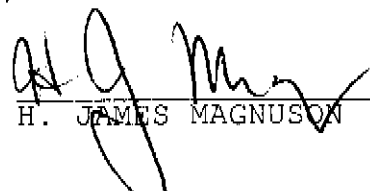
H. JAMES MAGNUSON, being first duly sworn, deposes and says:

17 1. I am the attorney for the Trustee and make this
18 affidavit based upon my familiarity with the facts stated herein.

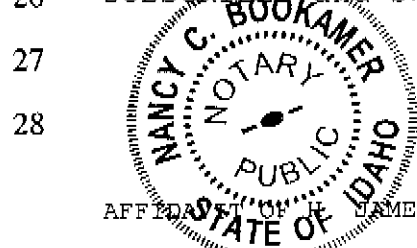
19 2. Attached hereto is a Warranty Deed dated October 23,
20 2003.

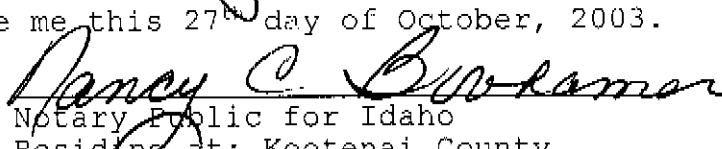
21 FURTHER AFFIANT SAYETH NOT.

22 DATED this 27th day of October, 2003.

23
24 
25 H. JAMES MAGNUSON

26 SUBSCRIBED and SWORN to before me this 27th day of October, 2003.




Notary Public for Idaho
Residing at: Kootenai County
Commission expires: 8/1/2003

AFFIDAVIT OF H. JAMES MAGNUSON

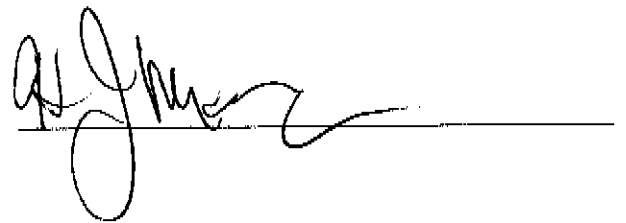
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that a true and exact copy of the foregoing
AFFIDAVIT OF H. JAMES MAGNUSON was sent by facsimile on the 27th
day of October, 2003, to:

John R. Rizzardi
Cairncross & Hempelmann, P.S.
524 Second Ave., Ste. 500
Seattle, WA 98104-2323
FAX (206) 587-2308

Bruce Anderson
Elsaesser, Jarzabek, Anderson,
Marks & Elliott
1400 Northwood Center Ct.
Coeur d'Alene, ID 83814
FAX (208) 667-2150

A handwritten signature in dark ink, appearing to read 'H. James Magnuson', is written over a horizontal line.

COPY

WARRANTY DEED

This warranty deed is made on this 23rd day of October, 2003, between S and F, LLC, an Idaho limited liability company, with an address of 2872 Hoodoo Mountain Road, Priest River, Idaho, 83856, hereinafter referred to as "Grantor", and C. Barry Zimmerman, Trustee, Frank L. Chapin and Sydney L. Guiterrez-Chapin, Debtors, Case No. 02-20218, United States Bankruptcy Court for the District of Idaho, with an address of P.O. Box 1240, Coeur d'Alene, Idaho, 83816.

For good and valuable consideration, including, but not limited thereto, release of Grantor's legal title to the property conveyed to Grantee, the Grantee being the equitable owner of the property conveyed by virtue of the fact that Grantor held the property being conveyed not as a sole and separate entity but for and on behalf of Sydney L. Chapin and Frank L. Chapin, and that if the property conveyed hereunder is treated as property of Grantor, inequitable results will follow as there is no separate unity of interest and ownership between Grantee and Sydney L. Chapin and Frank L. Chapin, Grantor has granted, bargained, transferred, sold and conveyed, and by this deed, grants, bargains, sells, conveys, transfers and confirms to Grantee and assigns, all of the following described real estate situated in the County of Bonner, Idaho:

SEE EXHIBIT "1" ATTACHED HERETO
AND INCORPORATED HEREIN.

Together with all and singular tenements, hereditaments and appurtenances belonging to the described property or in any manner appertaining to the property, including reserves of coal and oil, the reversion and reversions, remainder and remainders, rents, issues and profits of the property; and all estate, right, title and interest in and to the property, as well in as law as in equity.

To have and to hold, all and singular, the described property together with the appurtenances to Grantee and Grantee's heirs and assigns forever.

Grantor and Grantor's heirs and assigns shall and will warranty and, by these presents, forever defend the described property in the quiet and peaceable possession of Grantee, Grantee's heirs and assigns against Grantor and Grantor's heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Notwithstanding the foregoing said conveyance is subject to easements and conditions of record and in view.

IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto subscribed this 23rd day of October, 2003.

S and F, LLC

By: 

Sydney L. Chapin, Manager

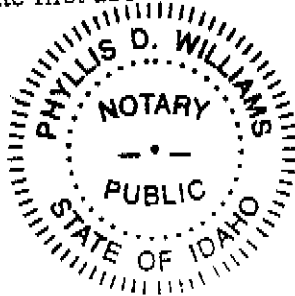
By: 

Frank L. Chapin, Manager

STATE OF IDAHO)
) :ss.
County of Bonner

On this 23rd day of October, 2003, before me, a notary public in and for the State of IDAHO personally appeared Sydney L. Chapin known or identified to me to be the Manager of S and F, LLC, and that she executed the foregoing instrument or the person who executed the instrument on behalf of said company and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

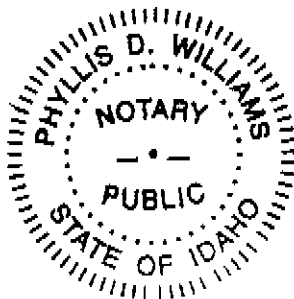


Phyllis D Williams
Notary Public
Residing at: SANDPOINT, ID
Commission expires: 5-23-09

STATE OF IDAHO)
) :ss.
County of Bonner

On this 23rd day of October, 2003, before me, a notary public in and for the State of IDAHO, personally appeared Frank L. Chapin known or identified to me to be the Manager of S and F, LLC, and that he executed the foregoing instrument or the person who executed the instrument on behalf of said company and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Phyllis D Williams
Notary Public
Residing at: SANDPOINT, ID
Commission expires: 5-23-09

EXHIBIT "1"

Real Estate

PARCEL A-"JACHETTA"

RP55N04W103010A

The North Half of the Northwest Quarter of the Northwest Quarter of Section 10, Township 55 North, Range 4 West, Boise Meridian, Bonner County, Idaho.

PARCEL B-"LINDEN"

RP55N04W291200A

The Southwest Quarter of the Northeast Quarter of SECTION 29, TOWNSHIP 55 NORTH, RANGE 4 WEST, Boise Meridian, Bonner County, Idaho. LESS any portion lying within the County Road right of way.

PARCEL C & PARCEL D-"GLABB"

RP55N04W344800A/RP55N04W345700A

The East half of the Southwest Quarter, Government Lots 5 and 6, and the Northwest Quarter of the Southeast Quarter, all in Section 34, Township 55 North, Range 4 West, Boise Meridian, Bonner County, Idaho.

LESS the Spokane International Railroad right-of-way.

PARCEL E & F-"HOME PLACE"

RP55N04W294350A

The S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 55 North, Range 4 West, Boise Meridian, Bonner County, Idaho, lying North of the County Road, LESS the East 330 feet thereof.

EXCEPT public roads and Rights of Way.

RP55N04W294200A

The East 330 feet of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the East 330 feet of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 55 North, Range 4 West, Boise Meridian, Bonner County, Idaho, all lying North of the County Road.

PARCEL G-"DUNROMIN"

RP55N04W105400A

The East Half of the Northwest Quarter of the Southwest Quarter of Section 10, Township 55 North, Range 4 West of the Boise Meridian, Bonner County, Idaho.

TOGETHER WITH an easement for ingress, egress and utilities 60.00 feet wide over, under and across the existing road located in the North portion of the Southwest Quarter of the Southwest Quarter of said Section 10 from the County Road along the West line thereof.
ALSO TOGETHER WITH an easement 60 feet wide for ingress, egress and utilities and maintenance over, under and across the East 60 feet of the Southwest Quarter of the Southwest Quarter of said Section 10 lying North of the aforementioned road right of way.